

1 **Thomas P. Riley, SBN 194706**
2 **LAW OFFICES OF THOMAS P. RILEY, P.C.**
3 **First Library Square**
4 **1114 Fremont Avenue**
5 **South Pasadena, CA 91030-3227**

****E-Filed 3/19/2010****

4 **Tel: 626-799-9797**
5 **Fax: 626-799-9795**
6 **TPRLAW@att.net**

6 **Attorneys for Plaintiff**
7 **J & J Sports Productions, Inc.**

8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN FRANCISCO DIVISION**

11 **J & J SPORTS PRODUCTIONS, INC.,**

CASE NO. CV 09-5124 JF

12 **Plaintiff,**

PLAINTIFF'S *EX PARTE*
APPLICATION FOR AN ORDER
CONTINUING CASE MANAGEMENT
CONFERENCE AND EXTENDING
TIME TO COMPLETE SERVICE; AND
ORDER (*Proposed*)

13 **v.**

14 **SERGIO SANTANA GUZMAN, et al.**

15 **Defendants.**

16
17
18 **TO THE HONORABLE JEREMY FOGEL, THE DEFENDANT/S AND THEIR**
19 **ATTORNEY/S OF RECORD:**

20 Plaintiff J & J Sports Productions, Inc., hereby applies *ex parte* for an order continuing the Case
21 Management Conference presently set for March 26, 2010 at 10:30 AM. As set forth below Plaintiff
22 respectfully requests that the Court continue the Case Management Conference and extend the time to
23 complete service to a new date approximately Thirty (30) to Forty-Five (45) days forward.

24 The request for the brief continuance is necessitated by the fact that Plaintiff has not yet
25 perfected service of the initiating suit papers upon the Defendants Sergio Santana Guzman
26 individually and d/b/a Tacos Santana; and Besag, Inc., an unknown business entity d/b/a Tacos
27 Santana. As a result, Plaintiff's counsel has not conferred with the defendants concerning the claims,
28 discovery, settlement, ADR or any of the other pertinent issues involving the case itself or the

PLAINTIFF'S *EX PARTE* APPLICATION FOR AN ORDER CONTINUING
CASE MANAGEMENT CONFERENCE AND EXTENDING TIME TO
COMPLETE SERVICE; AND ORDER (*Proposed*)
CASE NO. CV 09-5124 JF

1 preparation of a Case Management Conference Statement.

2 Plaintiff recently identified an alternative address that it believes will be successful to serve
3 its initiating suit papers, upon the Defendants.

4 **WHEREFORE**, Plaintiff respectfully requests that this Honorable Court continue the Case
5 Management Conference, presently scheduled for March 26, 2010 at 10:30 AM and permit an
6 additional Thirty (30) to Forty-Five (45) days from today's date to effectuate service of the Summons
7 and Complaint filed in this matter, or to file a motion for service by publication, or in the alternative,
8 a Notice of Voluntary Dismissal as to Defendants.

9
10
11 Respectfully submitted,

12
13
14 Dated: March 17, 2010

/s/ Thomas P. Riley

LAW OFFICES OF THOMAS P. RILEY, P.C.

By: Thomas P. Riley

Attorneys for Plaintiff

J & J Sports Productions, Inc.

15
16
17
18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///


ORDER (Proposed)

It is hereby ordered that the Case Management Conference in civil action number CV 09-5124 JF styled *J & J Sports Productions, Inc. v. Sergio Santana Guzman, et al.*, is hereby continued from 10:30 AM, March 26, 2010 to May 14, 2010 at 10:30 a.m.

Plaintiff is granted an additional Thirty (30) to Forty-Five (45) days from today's date to effectuate service of the Summons and Complaint filed in this matter, or to file a motion for service by publication, or in the alternative, a Notice of Voluntary Dismissal as to defendants Sergio Santana Guzman individually and d/b/a Tacos Santana; and Besag, Inc., an unknown business entity d/b/a Tacos Santana, where service has not been made or service by publication requested.

Plaintiff shall serve a copy of this Order on the Defendants and thereafter file a Certification of Service of this Order with the Clerk of the Court.

IT IS SO ORDERED:



THE HONORABLE JEREMY FOGEL
United States District Court
Northern District of California

Dated: 3/18/2010

///

///

///

///

///

///

///

PROOF OF SERVICE (SERVICE BY MAIL)

I declare that:

I am employed in the County of Los Angeles, California. I am over the age of eighteen years and not a party to the within cause; my business address is 1114 Fremont Avenue, South Pasadena, California. I am readily familiar with this law firm's practice for collection and processing of correspondence/documents for mail in the ordinary course of business.

On March 17, 2010, I served:

PLAINTIFF'S *EX PARTE* APPLICATION FOR AN ORDER CONTINUING CASE MANAGEMENT CONFERENCE AND EXTENDING TIME TO COMPLETE SERVICE; AND ORDER (Proposed)

On all parties in said cause by enclosing a true copy thereof in a sealed envelope with postage prepaid and following ordinary business practices, said envelope was duly mailed and addressed to:

Sergio Santana Guzman (Defendant)
2491 Mission Street
San Francisco, CA 94110

Besag, Inc. (Defendant)
2491 Mission Street
San Francisco, CA 94110

I declare under the penalty of perjury pursuant to the laws of the United States that the foregoing is true and correct, and that this declaration was executed on March 17, 2010, at South Pasadena, California.

Dated: March 17, 2010

/s/ Maria Baird
MARIA BAIRD